

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for February 16, 2005 PLANNING COMMISSION MEETING

P.A.S.: Change of Zone #05004 Pine Garden PUD

PROPOSAL: Change the zoning designation from AG to R-3 PUD, and approve a development plan for 28 dwelling units and 22,000 square feet of commercial floor area.

LOCATION: 84th Street and Old Cheney Road

LAND AREA: 5.87 acres, more or less

WAIVERS:

1. Preliminary plat process.
2. Reduce private roadway width from 27 feet to 22 feet.
3. Reduce rear yard setback on Lots 1 through 20.
4. Reduce front yard setbacks on Lots 1 through 20.
5. Allow commercial lots without frontage and access to a public street.
6. Lot width to depth ratio.
7. Cul-de-sac radius for South 83rd Court.
8. Allow up to 2 non-resident employees in home occupations.
9. Allow up to 50% of the unit floor area to be used for home occupations.
10. Driveway approach grade on east side of roundabout.

CONCLUSION: This change of zone and PUD generally conforms to the Comprehensive Plan and zoning ordinance.

RECOMMENDATION:

1. Preliminary plat process.	Conditional Approval
2. Reduce private roadway width from 27 feet to 22 feet.	Approval
3. Reduce rear yard setback on Lots 1 through 20.	Conditional Approval
4. Reduce front yard setbacks on Lots 1 through 20.	Approval
5. Allow commercial lots without frontage and access.	Approval
6. Lot width to depth ratio.	Approval
7. Cul-de-sac radius for South 83 rd Court.	Approval
8. Up to 2 non-resident employees in home occupations.	Approval
9. Up to 50% of floor area used for home occupations.	Approval
10. Driveway approach grade on east side of roundabout.	Denial

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 90, 91, and 113 of Irregular Tracts, located in the SE 1/4 of Section 10 T9N R7E, Lancaster County, Nebraska

EXISTING LAND USE AND ZONING: Vacant AG Agricultural

SURROUNDING LAND USE AND ZONING:

North:	Single-family dwellings	R-3 Residential
South:	Lincoln Christian School	R-3 Residential
East:	Single-family dwellings	O-2 Suburban Office
	HiMark Golf Course	R-3 Residential
West:	Single-family dwellings	R-3 Residential

HISTORY:

Sep 2000 Change of Zone #3207 approved changing the zoning designation to B-2 Planned Neighborhood Business. However, this change was vetoed by the Mayor.

May 1979 The zoning update changed the zoning designation for this property from A-A Rural and Public to AG Agricultural.

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Plan identifies this area as Urban Residential. (F 25)

Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new development on unused land in older neighborhoods, and encouraging a greater amount of commercial space per acre and more dwelling units per acre in new neighborhoods. (F-17)

Affordable housing should be distributed throughout the region to be near job opportunities and to provide housing choices within every neighborhood. Encourage different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population. (F-18)

Transit, pedestrian, and bicycle networks should maximize access and mobility to provide alternatives and reduce dependence upon the automobile. Sidewalks should be provided on both sides of all streets, or in alternative locations as allowed through design standards or the Community Unit Plan process. (F 66)

Many activities of daily living should occur within walking distance. Neighborhoods should include homes, stores, workplaces, schools and places to recreate. (F 66)

Interconnected networks of streets, trails and sidewalks should be designed to encourage walking and bicycling and provide multiple connections within and between neighborhoods. (F-66)

The key to both new and existing urban neighborhoods is diversity. For new neighborhoods, it is having a greater mix of housing types and land uses. New neighborhoods should have a variety of housing types and sizes, plus commercial and employment opportunities. Developing a pedestrian orientation of buildings and streets is also a priority for new areas. (F-71)

Structure incentives to encourage more efficient residential and commercial development to make greater utilization of the community's infrastructure. Incentives may include financial, process and/or regulatory conditions. (F 72)

Revise pertinent codes and regulations in order to remove impediments to achieving mixed-use residential and commercial development. (F 72)

Develop new design standards that encourage density, optimize infrastructure costs, and help lower the overall cost of property development.. (F-72)

TRAFFIC ANALYSIS: The Comprehensive Plan identifies 84th Street as a Principal Arterial, and Old Cheney Road as a Minor Arterial, both now and in the future. (E49, F 103). This development will have one access to 84th Street, one access to Old Cheney Road, and one access to Wendell Way, as shown on the proposed plans.

The 84th Street widening project is designed with a median prohibiting left turn movements at the project entrance from 84th Street. Public Works has agreed to allow left turn movements exiting the project onto 84th Street. The access to Old Cheney Road will be right-in/right-out only. A right turn lane is needed in Old Cheney Road at the connection to the commercial area.

Site circulation has been designed to allow vehicular access between the residential and commercial areas. This movement has been offset from the north-south axis of South 83rd Court to minimize cut through traffic between Wendell Way and Old Cheney Road.

Both 84th Street and Old Cheney Road are shown in the Comprehensive Plan for improvement to 4 through lanes plus turning lanes. The right-of way standards for these improvements show 84th Street with 120 feet, and Old Cheney Road to the west with 100 feet. (F112) In addition, projects occurring at the intersection of arterial streets have greater right-of-way requirements which extend 2 blocks (approximately 700 feet) from the centerline. (F 112) In this case, the right-of-way needs increase to at least 130 feet.

UTILITIES: Utilities are available to serve this site. However, the proposed grading plan does not demonstrate that the commercial lots can be served by sanitary sewer.

ENVIRONMENTAL CONCERNS: There is an existing row of mature trees located at approximately the boundary between the residential and commercial uses. These trees should be retained to serve as a buffer between the different uses. The plans indicate only a small number of the existing trees being removed, at a driveway location and within a building envelope. However, necessary grading changes may destroy all of these trees.

Existing trees at the north boundary of the development should be retained as a buffer to existing single-family dwellings.

ALTERNATIVE USES: The existing AG zoning is not an appropriate urban zoning designation at this location. The most appropriate uses would be those permitted in the R-3 Residential district.

ANALYSIS:

1. This is a request to change the zoning designation from AG to R-3 PUD to allow for development of 28 dwelling units and 22,000 square feet of commercial floor area.
2. The residential portion of this project is shown with 20 dwelling units in four 5-unit two-story buildings. The 10 units on the east side (lots 11 through 20) are live/work units, capable of having home occupations that occupy up to 50% of the unit's floor area, and allowing up to 2 non-resident employees.
3. The commercial area is shown with 20,400 square feet of floor area. The uses allowed on commercial lots include office, medical office, commercial/retail, and up to 1,500 square feet of restaurant, but no drive-thru. The following uses are not permitted: banks and savings and loan associations, convenience stores and gasoline stations, car wash facilities, warehousing, self-storage, and industrial uses.
4. Additional parking is shown near the live/work residential units. However, the plans should be revised to provide the calculation used to determine parking needs for this use.
5. Building envelope lines must be identified.
6. Additional right-of-way in 84th Street needs to be dedicated for the widening project, and should also include enough width to provide 10 feet between the curb and sidewalk.
7. Applicant has agreed to removing the last sentence in note 6 regarding commercial lot signage. The commercial lots will follow the standard PUD signage regulations.
8. The plan notes state home occupation units may have a nonilluminated sign not exceeding 20 square feet. The standard home occupation sign requirements allow one nonanimated, nonilluminated, nonreflecting nameplate no more than 2 square feet in area. This is the standard that would be followed by residents of units 1 through 10 should they have a home occupation. Planning Staff suggests units 11 through 20 should follow the standard home occupation requirement along South

83rd Court, and may be allowed to have a 20 square foot nonilluminated, nonanimated, and nonreflective sign along South 84th Street. No signs should be allowed on the other sides of the buildings.

9. Internal sidewalk connectivity is shown, but should include a connection between the cul-de-sac and unit 21, and 84th Street and unit 23. Also, sidewalks should be shown 9-1/2 feet from the back of curb.
10. Lots 20 and 21 are shown to connect to a proposed sanitary sewer along Old Cheney Road. However, most of Lots 21 and 22 are shown to be approximately 10 feet below the grades along Old Cheney. Proposed grading needs to be shown for the area of the commercial uses to determine if the lots can be served as shown.
11. Detention calculations need to be submitted. Although there are areas that are shown as detention, without the calculations there is no way to verify the detention areas will be sufficient to satisfy detention requirements. Depending upon pipe sizing, the grading plan for the detention may not work.
12. A drainage study and pipe sizing calculations must be provided.
13. The driveway connection between the commercial and residential areas is not satisfactory given the grading shown and the existing grades on site. As shown, there is approximately 24 feet of elevation difference between the driveway connection to Old Cheney Road and the connection between the commercial and residential areas, requiring an average slope of 5.5%. Most commercial developments use a maximum slope of 3%.
14. Given the proposed grading in the residential area, a 10 foot tall retaining wall will be required between units 21 and 22 and the residential area. The wall and future grading for the commercial area must be shown on these plans. The plans indicate existing trees in this area will remain, however, the needed construction and grading will likely destroy these trees.
15. A right turn lane in Old Cheney Road needs to be shown at the driveway connection to the commercial area. Additional right-of-way is necessary for the turn lane, as well as to provide 9-1/2 feet between the sidewalk and back of curb. Design and construction costs of the turn lane will be the developers responsibility.
16. A left out from Wendell Way onto 84th Street has been agreed upon by the Public Works Department. Changes to the design and the construction costs will be the developers responsibility.

17. Access to 84th Street and Old Cheney road must be relinquished, except as shown.
18. The Health Department has identified a 24-inch underground natural gas pipeline in Old Cheney Road, and an 18-inch underground natural gas pipeline in 84th Street. They have requested that occupied structures be prohibited within hazard areas associated with these pipelines. The City has not adopted requirements addressing such hazard areas. Before requiring such setbacks, these hazard areas should be studied further.
19. The waiver request for a smaller paving radius in the South 83rd Court cul-de-sac is satisfactory to the Public Works Department. Although the standard paving radius for public cul-de-sacs is 43.5', a 30' radius has been acceptable in private roadways.
20. The waiver request for reducing the standard 27' paving width in South 83rd Court is satisfactory for the portion south of the roundabout. However, the portion between the north line of the PUD and the roundabout is not satisfactory due to traffic patterns and on street parking.
21. The waiver request for the approach grade to the east leg of the roundabout is not satisfactory to the Public Works Department.
22. The Parks and Recreation Department will collect impact fees in lieu of park land, since Phares Park is located in close enough proximity to serve the recreational needs of the residents.
23. LES easements must be shown.
24. Various revisions to the notes on the plans will be required.

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:
 - 1.1 Revise the plans to show:
 - 1.1.1 Provide parking calculations, including figures used for the live/work units.

- 1.1.2 Clearly identify building envelope and lot lines.
- 1.1.3 Show the dedication of enough additional right-of-way in 84th Street to provide at least 70 feet from the centerline and 9-1/2 feet of separation between the curb and sidewalk.
- 1.1.4 Show the dedication of enough additional right-of-way in Old Cheney Road to provide a right turn lane and 9-1/2 feet of separation between the curb and sidewalk.
- 1.1.5 Show a right turn lane in Old Cheney Road at the driveway connection to the commercial area. Show the additional right-of-way needed for the turn lane, and enough to provide 9-1/2 feet between the curb and sidewalk.
- 1.1.6 Show sidewalk connections between unit 21 and South 83rd Court, and between unit 23 and 84th Street. Show all internal sidewalks 9-1/2 feet from the back of curb.
- 1.1.7 Revise note 4 to show the relinquishment of access to Old Cheney Road, except as shown.
- 1.1.8 Revise note 6 to state the residential live/work units may have nonilluminated, nonanimated, and nonreflective signs not exceeding 2 square feet in size facing South 83rd Court, and not exceeding 20 square feet in size facing South 84th Street. Delete the last line of note 6.
- 1.1.9 Revise note 9 to state the paving width in South 83rd Court south of the roundabout may be 22 feet.
- 1.1.10 Revise the paving in South 83rd Court north of the roundabout to 27 feet to meet Design Standards.
- 1.1.11 Demonstrate that the commercial area can be served by sanitary sewer as proposed.
- 1.1.12 Show a slope no greater than 3% between the driveway connection to Old Cheney Road and the connection between the commercial and residential areas.

- 1.1.13 Show a retaining wall and necessary grading between the commercial and residential areas.
 - 1.1.14 Show the future grading of the commercial area.
 - 1.1.15 Show the retention of existing trees, except those indicated for removal on the submitted plans.
 - 1.1.16 Show fire hydrants to the satisfaction of the Fire Department.
 - 1.1.17 Show required LES easements.
- 1.2 Provide detention calculations.
- 1.3 Provide a drainage study and pipe sizing calculations.
- 2. This approval permits 28 dwelling units and 22,000 sq.ft. of commercial floor area, with waivers granted for the following: the preliminary plat process; reduce rear and front yard setbacks on Lots 1 through 20, as shown on the plans; allow commercial lots without frontage and access to a public street; lots 1 through 20 may exceed the width to depth ratio as shown on the plans; nonstandard cul-de-sac radius for South 83rd Court as shown on the plans; 22 foot paving width in South 83rd Court north of the roundabout; allow up to 2 non-resident employees in home occupations; and allow up to 50% of the unit floor area to be used for home occupations.
- 3. If any final plat on all or a portion of the approved planned unit development is submitted five (5) years or more after the approval of the planned unit development, the city may require that a new planned unit development be submitted, pursuant to all the provisions of section 26.31.015. A new planned unit development may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city, and as a result, the planned unit development as originally approved does not comply with the amended rules and regulations.
- 4. Before the approval of a final plat, the private roadway improvements, sidewalks, sanitary sewer system, water system, drainage facilities, land preparation and grading, sediment and erosion control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, and street name signs, must be completed or provisions (bond, escrow or security agreement) to guarantee completion must be approved by the City Law Department. The improvements must be completed in conformance with adopted

design standards and within the time period specified in the Land Subdivision Ordinance.

5. Permittee agrees:

to complete the paving of South 83rd Court shown on the final plat within two (2) years following the approval of this final plat.

to complete the installation of sidewalks along both sides of South 83rd Court as shown on the final plat within four (4) years following the approval of the final plat.

to complete the public water distribution system to serve this plat within two (2) years following the approval of the final plat.

to complete the public wastewater collection system to serve this plat within two (2) years following the approval of the final plat.

to complete the enclosed public drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.

to complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat

to complete the installation of private street lights along South 83rd Court within this plat within two (2) years following the approval of the final plat.

to complete the planting of the street trees along South 83rd Court within this plat within four (4) years following the approval of the final plat.

to complete the planting of the landscape screen within this plat within two (2) years following the approval of the final plat.

to complete the installation of the street name signs within two (2) years following the approval of the final plat.

to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.

to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.

to complete the public and private improvements shown on the Planned unit Development.

to retain ownership of or the right of entry to the outlots in order to maintain the outlots and private improvements on a permanent and continuous basis and to maintain the plants in the medians and islands on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating, in writing, a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the private improvements have been satisfactorily installed and the documents creating the association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

to continuously and regularly maintain the street trees along the private roadways and landscape screens.

to submit to the lot buyers and home builders a copy of the soil analysis.

to pay all design, engineering, labor, material, inspection, and other improvement costs for the right turn lanes in Old Cheney Road and South 84th Street, and for the improvements in 84th Street at Wendell Way necessary to allow left turning movements from Wendell Way onto 84th Street.

to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

to protect the trees that are indicated to remain during construction and development.

to properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the land owner.

to relinquish the right of direct vehicular access to South 84th Street and Old Cheney Road, except as shown.

General:

6. Before receiving building permits:
 - 6.1 The permittee shall have submitted a revised and reproducible final plan and the plans are acceptable:
 - 6.2 The construction plans shall comply with the approved plans.
 - 6.3 Final plats shall be approved by the City.
 - 6.4 Applicant agrees to pay for the design and installation of the right turn lane in Old Cheney Road.
 - 6.5 Applicant agrees to pay for the design and construction changes necessary to allow left turns from Wendell Way onto 84th Street.

STANDARD CONDITIONS:

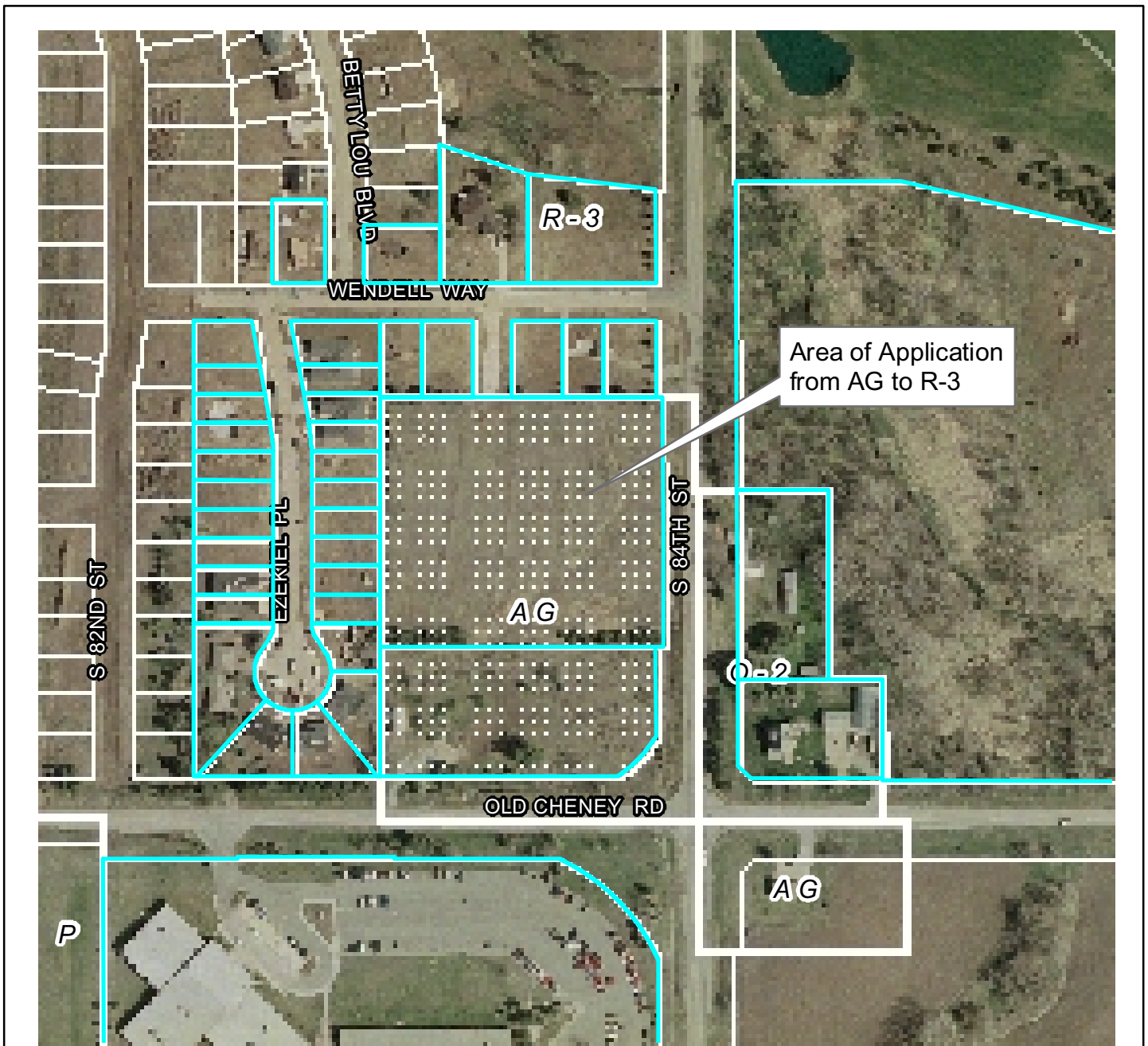
7. The following conditions are applicable to all requests:
 - 7.1 Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.
 - 7.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
 - 7.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 7.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 7.5 The City Clerk shall file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.

Prepared by:

Greg Czaplewski, 441-7620, gczaplewski@lincoln.ne.gov
Date: February 4, 2005

Applicant: Realty Trust Group
and 2300 South 48th Street
Owner: Lincoln, NE 68506
484.8484

Contact: Brian D. Carstens and Associates
601 Old Cheney, Suite C
Lincoln, NE 68512
434.2424



Change of Zone #05004

2002 aerial

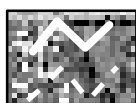
Pine Garden

S. 84th & Old Cheney Rd.

Zoning:

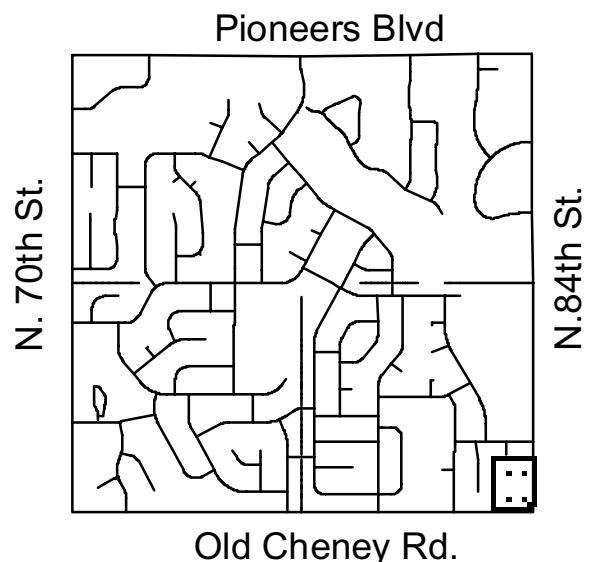
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 10 T09N R7E



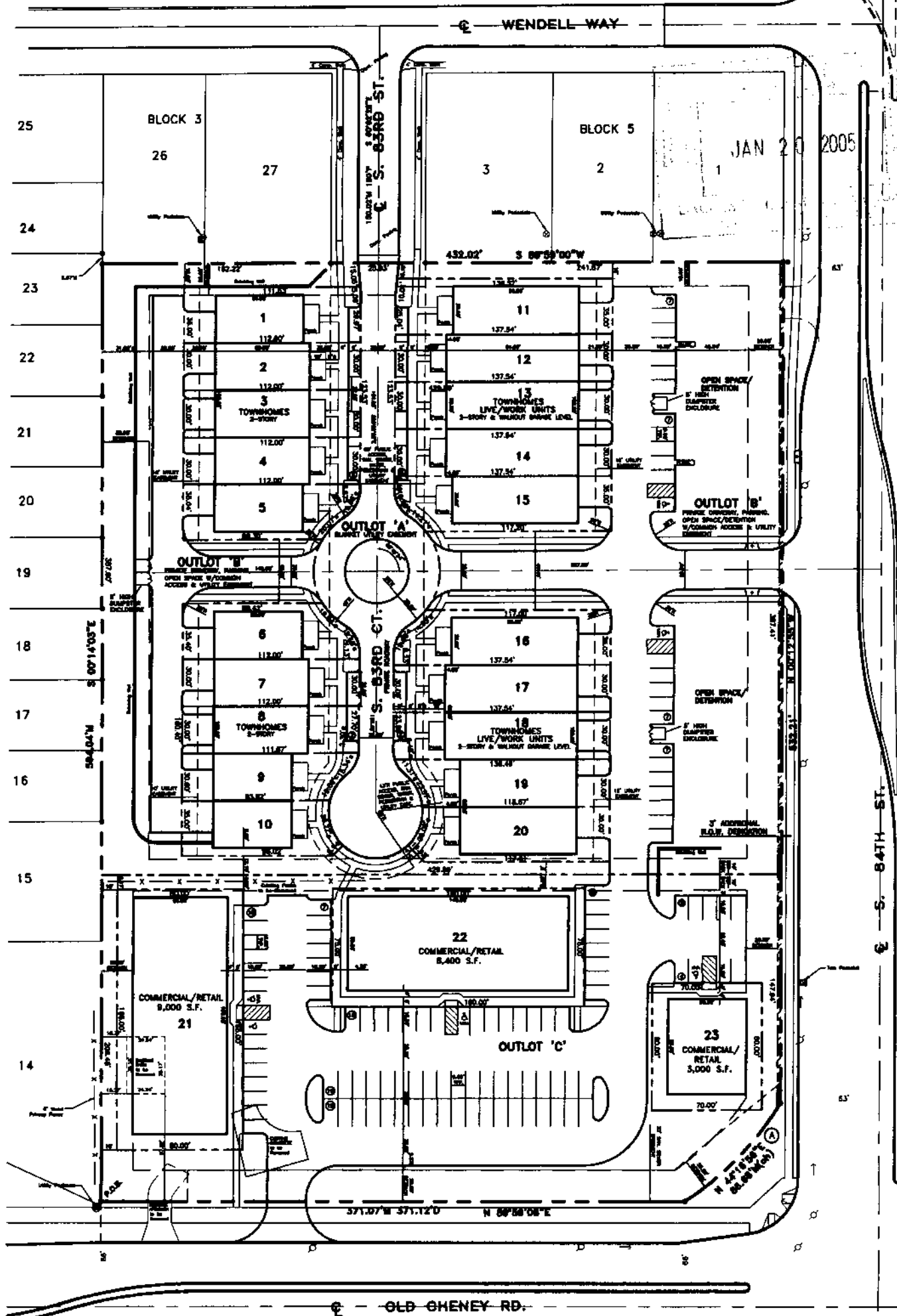
Zoning Jurisdiction Lines

City Limit Jurisdiction



Old Cheney Rd.

Lincoln City - Lancaster County Planning Dept.



JAN 20 2009

BLOCK 3

BLOCK 5

25

26

27

3

2

24

23

22

21

20

19

18

17

16

15

14

S 00°14'03"W
88.64'-0"

S 89°52'31"W
150.67'-0"

S 89°52'31"W
150.67'-0"

S 89°52'31"W
150.67'-0"

S 89°52'31"W
150.67'-0"

S 89°52'31"W
150.67'-0"

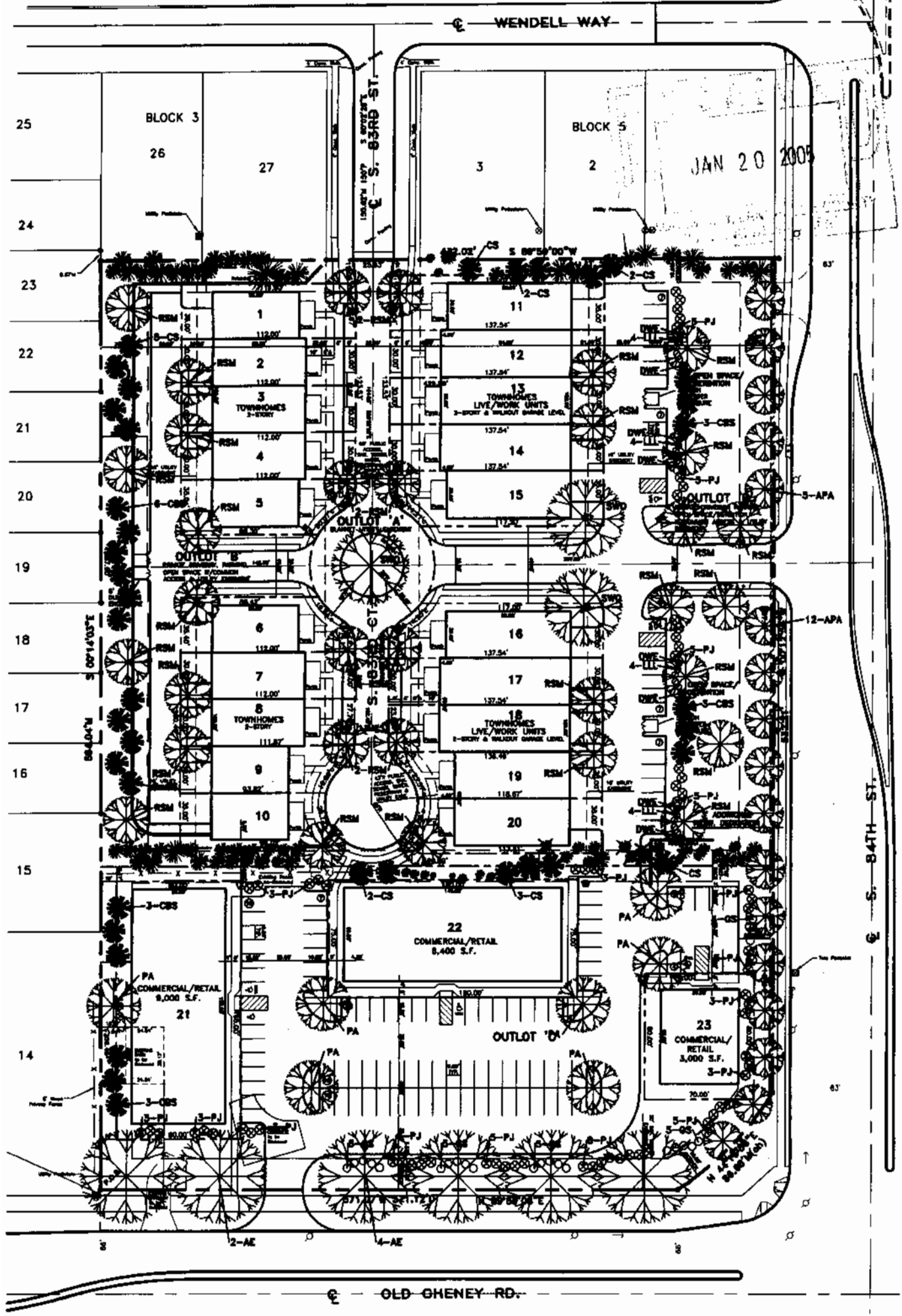
S 89°52'31"W
150.67'-0"

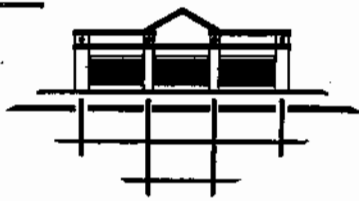
S 89°52'31"W
150.67'-0"

S 89°52'31"W
150.67'-0"

S 89°52'31"W
150.67'-0"

S 84TH ST.





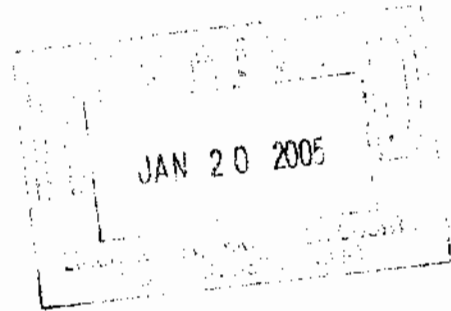
BRIAN D. CARSTENS AND ASSOCIATES

LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN

601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

January 20, 2005

Mr. Marvin Krout
Director of Planning
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508



RE: PINE GARDEN- CHANGE OF ZONE FROM 'AG' TO 'R-3'-PUD
SOUTH 84TH STREET AND OLD CHENEY ROAD

Dear Marvin,

On behalf of Realty Trust Group, Inc., we are pleased to submit the following project for your review. Pine Garden is a proposed Planned Unit Development (P.U.D.) located on the Northwest corner of South 84th Street and Old Cheney Road. The site is currently undeveloped and zoned 'AG'. The site is surrounded by single family and single family attached units to the west, single family residences to the north, newly approved 'O-2' zoning to the east and Lincoln Christian School to the south.

Representatives from Realty Trust Group have been meeting with City staff on several occasions over the past year to discuss this project. Many issues have been worked out over this time, thus our submittal is ready to move forward in the approval process.

Pine Garden is a mix of 28 multi- family units, with 14 of them having the ability to have a 'home occupation' with outside employees, and up to 20,400 square feet of office, retail, and commercial uses. Some uses have been prohibited from the site, due to the traffic volumes or the incapability with existing residences.

The site will be accessed from a new driveway off of South 84th Street as well as a driveway from Old Cheney Road. A private roadway with parallel on street parking will provide vehicular access for the multi-family/ live-work units.

The site will be graded to preserve existing scotch pine tree masses on site, that serve as a natural buffer/ screen as well as a visual screen between the different land uses on site. We have provided a preliminary grading plan, showing how the site will be graded on the northern two thirds of the site. The commercial/ retail area at the south end is conceptual at this time. Final grading plans and drainage/ detention calculations will be submitted and approved with future administrative amendments.

Page 2

We have recently held a neighborhood information meeting. The neighbors in attendance supported the plan as presented. One of the key issues was a full access intersection at South 84th Street and Wendell Way. They were pleased that Realty Trust Group was able to negotiate a full access intersection at this location.

We look forward to working with you and your staff as this project moves forward through the approval process. Please feel free to contact me if you have any further questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Carstens", with a stylized flourish at the end.

Brian D. Carstens

cc: Mike Marsh- Realty Trust Group, Inc.

Enclosures: 24 copies of page 1 of 4
8 copies of pages 2 thru 4 of 4
Application for a Change of Zone
Application for a P.U.D.
Certificate of Ownership
Application Fees
8-1/2" x 11" reductions of the plans